

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**PETER SAUERS**

**vs**

**CIVIL ACTION 16 2325**

**LOWER SOUTHAMPTON TOWNSHIP**

**Response to Motion to Dismiss**

**FILED**

**OCT - 5 2016**

**LUCY V. CHIN, Interim Clerk  
Dep. Clerk**

**FIRST BRIEF IN SUPPORT OF MOTION**

**On before October 7, 2016**

**CIVIL ACTION No 16-2325**

**CLEARLY NOT erroneous or nonsensical:**

**Maybe more like deadly and corrupt!**

**I stated there are dangers in the acts of the Township  
and now we will all live with it every day. The dangers  
are already there, and the plan is to make it worst and  
they have done so already.**

**Quote "What happens if a car comes? We die."**

**Nicholas Sparks (American novelist).**

**Response to the Motion to Dismiss is a statement because of Errors and misunderstandings that are in more than one place. This has already taken way too much out of my life. Politics has come at a high cost in my life, to point out something wrong, and has forced me to stand-alone. I have many onlookers and supporters that would like to see justice for all.**

**I am not calling anyone or any one person a liar in this action or any other action. However, please take no offence, just a Key point: lies have a life and in this action, they have been ongoing and continuous for maybe decades and they need to be stopped now.**

**Quote "If you tell the truth, you don't have to remember anything." Mark Twain**

**It was a matter of time, before there is No concern for any harmony, public health, safety, morality and welfare of others. I have a right to Statutes, ordinances, regulations, customs, and the usage of them, as we all do. The action of the Township needs to show justifications of their use in their actions and they have not. Nor can they at this point, as you will soon see. Lower Southampton Township did this for themselves.**

**play is necessary, for local Government that has a connection to the State Government.**

**Politics is not my game though a game is how it is being played.**

**“A moving target is where you set your expectation for something - some task, or evidence for some idea and then when it is met you 'move the target' and set another expectation”**

**As a layperson, I have the expectation of never being able to reach the target, when in fact, I will get there given a chance too and I should have that right.**

**“Although the federal courts’ repeatedly grant 12(b)(6) Motions to Dismiss, the meaning of the phrase “failure to state a claim for which relief can be granted” has remained almost as obscure as that of a magical incantation (“*abra cadabra!*”).**

**Everyone has heard the words but no one seems to understand what they really mean. This case should have not been dismissed.**

The state Courts granted Mr. Peters with prejudice to remove / Dismissed my case it took three judges but he got it done. (“*abra cadabra!*”).

Error and misunderstandings: Actions were taken at the time of the approvals as Mr. Michale E. Peters Esq points out. There is direct connection to the 2012 action.

I (Peter Sauers) filed, to the Court of Common Pleas, that time too, within the 30 days that was required. I can't find where an arm's length transaction occurred by Lower Southampton Township.

8 N. Westview Avenue was hidden at this time in 2012 and was never talked about nor where we ever told anything about this. This proves one of my points that the corruption is out of the bag. It was not until sometime in 2015, did we learn about 8 N. Westview Avenue being taken out, it is in the pictures used at the meetings in 2015. I am asking this Court, to look at the same pictures used at the meetings held in Lower Southampton Township.

The statute of limitations did not run out because it was hidden from us. Mr. Peters points out that the statute of limitations had run out and I had missed a date, but the fact is I did not.

The Galman Group started the action and folded, backed out; Lower Southampton Township made it ongoing and continuous as if the Galman Group was still in.

I mentioned before at the pretrial conference that I was to this Court before for the same thing.

Note The Galman Group would not and did not buy from John Dubcek without the rezoning.

Ongoing and continuous is incorrect as I stated. It gets' worse because now I know what Lower Southampton Township is doing, they are not only mixing documents but they are keeping up with old ones, that should not be used. Do me once shame on you, do me twice sham on me.

On 8-12-2015, approvals were made. I (Peter Sauers) Filed 8-17-2015 at 10:18 AM: to the Court of Common Pleas. Judge 30: I could see a fast one coming and I was well within 30 days.

**HONORABLE JUDGE ALBERT J. CEPPARULO**

**Not similar but the same action.**

**Not similar: State Court failed to take any action were others have had that right before and pre granted.**

**As to make this a moving target is very unfair and in "bad taste" as well as not keeping to their word. "A man is only as good as his word".**

**NAACP v. Alabama, 375 U.S. 449 "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice." This case should NOT be dismissed. I have an assertion of federal rights in this action.**

**With no Substantive Due Process "Fraud destroys the validity of everything into which it enters," Nudd v. Burrows, 91 U.S 426. "Fraud vitiates everything" Boyce v. Grundy, 3 Pet. 210 "Fraud vitiates the most solemn contracts, documents and even judgments." I see fraud in the actions of Lower Southampton Township.**

**There was no meeting or posting for 8 N. Westview Avenue. If anyone would take a look at the time line, this was a done deal from the start. I will testify to this in Court and should have the right too. Hiding / concealing everything about 8 N. Westview Avenue it not right, it clearly has doctrine of vested rights as a part of this neighborhood. To remove it from the neighborhood for their new use would be spot zoning at arm's length.**

**State Court was given mostly documents from another/ different parcel as to get dismissed. They never did anything to protect my constitutional issues and rights.**

**Zoning requirements can be read on line along with all requirements needed to use. Mixing documents and the hiding of things/actions at arm's length have come to light.**

**Equal protection question that are listed in 42 U.S.C. § alone with Due Process.**

**373 U.S. 83 (1963) BRADY v. MARYLAND.**

**"In this state of uncertainty as to the proper answer to the critical underlying issue of state law, and in view of**



**the fact that the Court of Appeals did not in terms address itself to the equal protection question”.**

**In my case How Mr. Peters Esq gets around this, I don't know. The fact stands there was a different parcel used, a clear error in how this was used. My equal protection question was overlooked.**

**FRCP 54 (c): Demand for Judgment; Relief to Be Granted. A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings.**

**“JUDICIARY ACT OF 1789, suit cannot be dismissed because of errors in service”.**

**This case should not be dismissed.**

**I understand that false statements made herein are subject to the penalties of law “18 Pa. C.S. Section 4904’, relating to unsworn, falsification to authorities.**

**Village of Euclid v. Ambler Realty Co., U.S. Supreme Ct.**

**Cause of action/remedy sought.**





On 8-12-2015 Mr. Keith Wesler with no objection at the time from any of Lower Southampton Board of Supervisors said to us/me, appeal this. With their Blessing I could take this to State Court this is on record. To address all concerns in this complaint.

It was never done, because Mr. Peters Esq., Attorney for Lower Southampton Township, got it dismissed with prejudice. Now he, wishes the same from this Court. There's physical evidence to a Verbal contract legally binding reasonable, equitable, conscionable and made in good faith agreement not kept by Lower Southampton Township, now in this Court.

Cause of action/remedy sought in my case to date. The same as in Village of Euclid v. Ambler Realty but never seeing any state Court with me showing a clear right too. Governments / Townships actions were and are in "bad faith" now.

There's case law and in the law showing a need for

Federal takings because, the "state has failed to provide a remedy". "As with any claim you might make on

constitutional grounds, proving that a zoning ordinance is unconstitutional requires that you prove to a court- that you have been denied a right that is fundamentally guaranteed to you by the U.S. Constitution” State Court.

42 U.S.C. § 1983. I need the Court to show me were this is not clear, look to B.Platsky v. CIA I will repair pleadings and pray for the rights to do so.

“42 U.S.C. § 1983. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen - of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or -

other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted- Unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of

**Columbia shall be considered to be a statute of the District of Columbia”.**

**“(R.S. § 1979; Pub. L. 96–170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.) Part of my claims are in 42 U.S.C. § 1983”.**

**Also, claim a right to doctrine of vested rights.**

**Ordinance, regulation, custom, or usage were all altered, overlooked or just by passed. In favor of a special interest that I say, the Township has no right. With that being said its not Lower Southampton Township official capacity to make new rules, this is a breach of the duties connected with there offices and the laws. This is nonfeasance, - misfeasance, and for malfeasance act by Lower Southampton Township in this action at arms length.**

**Now let’s go over this one more time.**

**Plaintiff now recognizes the deficiencies of the original Complaint in this matter. This Court has admirably and thankfully given this pro se Plaintiff both benefit of the doubt and sufficient leeway to be able to address the**

**Court's concerns and to make Plaintiff's pleas intelligible and cognizable in this Federal Court.**

**Jurisdiction. Where to start? A vexing issue even in singular systems, civil procedure under a two-tiered federal system is complex and lends truth to the old phrase "let's not make a federal case out of it." However, when one understands why we utilize deference, comity, and jurisdictional analysis in a federation, well, it becomes easier, but never easy.**

**In personam jurisdiction is relatively straight-forward and has not been advanced as deficient in this case because this Court has in personam jurisdiction over all parties, and potential parties, to this action.**

**Subject matter jurisdiction, admittedly, has not yet been sufficiently nor properly plead. Yet, it too is relatively straight-forward in this case. This Court has subject matter jurisdiction over this matter because- Defendant's actions implicate Equal Protection and Procedural and- Substantive Due Process under the law, and Plaintiff, in an Amended Complaint, will have properly alleged constitutional issues that bring this**

**matter squarely within the federal realm. 42 U.S.C. § 1983., Village of Euclid v. Ambler Realty Co,**

**My amended Complaint that clearly "implicate" jurisdiction, with a U.S. Supreme Ct., Village of Euclid v. Ambler Realty Co.(1926). Very similar case, along with 42 U.S.C. § 1983, and "Spot zoning" The practice is unconstitutional".**

**I pray and ask this Court for jurisdiction, to be granted. This case clearly has relief that can be granted and should not be Dismissed for any reason and should not have been Dismissed. It was in state Court that it was pre- granted on record with a Verbal contract. Now showing to be ongoing and continuous this brings things into a new light.**

**I told the Court, I was here in this Court before and that Mr. Peters opened the door, as I see it, with his use of dates. There was no break in the time line as to the actions of Lower Southampton Township. The same old thing, in the same places. This has and is destroying my way of life.**



**Diversity: Plaintiff removes the \$ 75,000.00 for Jurisdiction and apologies to Court, Mr. Peters and everyone.**

**I was thinking one and not two works, in case of the government in the U.S, as to making this error because it falls under U.S Government and a class action with other rules I can't meet at this time an error on my part.**

**Diversity also creates a greater propensity for prejudice and discrimination. Pro-se: looking for just jurisdiction, with this point. "The primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from - ordering relief" or in the name of Justice just grant jurisdiction so the courts can look at everything in this case. Stated many times to be a first for our Township. (Spot Zoning is what we will see.) A: "Spot zoning" The practice is unconstitutional".**

**Diversity also creates a greater propensity for prejudice and discrimination. Pro-se: looking for just jurisdiction, with this point. "The primary defendants are States, State officials, or other governmental entities against**

whom the district court may be foreclosed from ordering relief” or in the name of Justice just grant jurisdiction so the courts can look at everything in this case. Stated many times to be a first for our Township. (Spot Zoning is what we will see.) A: "Spot zoning" The practice is unconstitutional". (9th amendment)

**This Court may consider contacting:**

**The United States Department of Justice.**

**“The United States Department of Justice, also known as the Justice Department”, Were contacted from the start of this action and are named inside the action documents at one point stopped so this Court could hear this case.**

**42 U.S. Code § 200 0a-1: “Prohibition against discrimination or segregation required by any law, statute, ordinance, regulation, rule or order of a State or State agency”. I have been denied the use of state Courts and all I needed was only once to show discrimination.**



**“Prohibition against discrimination: or segregation required by any law, statute, ordinance, regulation, rule or order of a State or State agency”. Like State Court.**

**“All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof”. Challenged as I am should count if I can show discrimination.**

**“Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin”. Dyslexia is a permanent, immutable condition ADA and Pro-se should not count this out.**

**“Prejudice and discrimination are two different words that are deeply interrelated that many take them as synonyms ignoring the difference between them. But, in reality, they are apart and have different connotations.**

**“Prejudice can be defined as a preconceived notion or a leaning towards or against someone or something.**

On the other hand, discrimination refers to action or behavior towards these things and people. Just because we don't like something or someone, we develop many stereotypes about him, and start to discriminate him. Discrimination is in our nature and blood. We discriminate among different types of food, don't we? But, it is harmless as we give preference to some particular types of food and it does not make any difference to others whether we eat Chinese or Mexican cuisine. Similarly, we discriminate among colors and get our home painted in colors for which we have a leaning towards. Some people have likings for a particular dress and abhor others; this is also discrimination. But all such instances of discrimination make no difference to others. It is all about personal liking and disliking".

Yet there are instances when discrimination and prejudice affect others as well. In such instances, it can be very- problematic". After three judges I find this to be problematic why three, alone with many other things and reasons.

**CONSTITUTION First and 14th Amendments:**

**I was deprived of my right to speak in State Court and I was also denied jurisdiction and the equal protection of the laws by Lower Southampton Township.**

**Pennsylvania Constitution:**

**“Inherent Rights of Mankind**

**Section 1. “All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness”: as am trying to do and having a contract this should big deal if you remove the corrupt politics.**

**Plaintiff is an individual with disabilities that cause a mental / impairments. All that Plaintiff wants is his Due Process and Equal Protection.**

**That the Defendants' stay within the law(s) and follow the law(s) with equal use and relief.**

**“On July 26, 1990, Congress enacted the Americans with Disabilities Act, 42 U.S.C. section 12101, et seq.,**

**establishing the most important civil rights law for persons with disabilities in our country's history".**

**b. "historically, society has tended to isolate and segregate individuals with disabilities and despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;**

**c. "discrimination against individuals with disabilities ties persists in such critical areas as . . . public accommodations; Like state Courts.**

**e. "the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity . . . to - pursue those opportunities for which our free- society is justifiably famous . . ."**42 U.S.C. section 12101(a).

**"42 U.S.C. section 12101(b) It is the purpose of this chapter— (1)**

**to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;**

(2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities;

(3) to ensure that the Federal Government plays a central role in enforcing the standards established in this chapter on behalf of individuals with disabilities; and (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities”.

The human rights records of the United States of America is a complicated matter; first and foremost the Federal Government of the United States has, through a ratified constitution and amendments thereof, guaranteed unalienable rights to citizens of the country

Look to: Davis v. Wechsler, 263 US 22, 24. “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”



**My amended Complaint that clearly "implicate" jurisdiction, with a U.S. Supreme Ct., Village of Euclid v. Ambler Realty Co.(1926). Very similar case, along with 42 U.S.C. § 1983, and "Spot zoning" The practice is unconstitutional".**

**I pray and ask this Court for jurisdiction to be granted. This case clearly has relief that can be granted and should not be Dismissed for any reason and should not have been Dismissed as it was in the state Court. After being pre- granted on record with a Verbal contract. Now showing to be ongoing and continuous this brings things in to a new light.**

**I have been denied the use of State Courts, statute, ordinances, regulation, custom, or usage and doctrine of vested rights were never looked at and over looked for Lower Southampton Township. I don't look or try to hide the fact that I am challenged, but I still feel that I was discriminated against when being talked down too by Lower Southampton Township.**

**"Zoning ordinances must be enforced in a reasonable and nondiscriminatory manner in order to satisfy equal protection".**

**HONORABLE JUDGE DIANE E. GIBBONS: office as are D.A. The doctrine of vested rights is still used to date.**

**I still have that residential property and in this case under doctrine of vested rights named.**

**“The doctrine of vested rights protects property owners and developers from changes in zoning when they have received a valid building permit”. I have laid claim to this in all my documents. If this is incorrect or just another moving target, then my constitutional rights were taken away. At a very high cost to my life and it is time that something is done to protect my/our constitutional rights.**

**STATED:**

**DOCTRINE OF VESTED RIGHTS: As in time and use and is still in use to date. The governmental judgment will control, but they can't have it both ways as they wish to.**

**I still have that residential property, as part of my case I asked for a removal of HONORABLE JUDGE DIANE E.**



**GIBBONS because there could / would be a conflict of interest in my case at some time as in now.**

**Because HONORABLE JUDGE DIANE E. GIBBONS could have gone forward if the doctrine of vested rights was miss used as stated, they can't have it both ways and that is what's happening, now someone's new fantasy.**

**Doctrine of vested:**

**Given me, the rights to the same in Bucks County actions implicate Equal Protection as to remove my rights with a new use.**

**Subject property from the year 1955 the zoning classification is a residential property and the use is a residential use till date.**

**I have laid claim to this under the doctrine of vested rights and this has been denied me. How could this be?**

**The year 2012 as stated alterations were/are in the approvals that were made. Mr. Peters, I feel his case law may be in error. 53 P.S § 11002-A. this only works if this**

is NOT ongoing and continuous from the start as I am stating. A key point, that this is ongoing and continuous.

**“Section 1002-A. Jurisdiction and Venue on Appeal; Time for Appeal. All appeals from all land use decisions rendered pursuant to Article IX shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S. 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 908(9) of this ac”t. DONE Case # 2015-05735 COURT OF COMMON PLEAS”.**

**The doctrine of vested rights action taken:**

**NOTICE CERTIFICATE OF SERVICE TO:**

**Lower Southampton Township**

**1500 Desire Avenue Feasterville Pennsylvania 19053**

**215-357- 7300 FAX 215 357-0946**

**Certified mail 7015 0640 0004 3916 7315 – July 21 2015**

**HAINES v. KERNER ET AL.**

**Plaintiff: "Allegations, we conclude that he is entitled to an opportunity to offer proof. The judgment is reversed and the case is remanded for further proceedings consistent herewith". Legal conclusions should entitle me to an opportunity to offer proof as in HAINES v. KERNER ET AL. To show this to be: ongoing and continuous if it's question.**

**1. Mr. Michale E. Peters Esq., Attorney for Lower Southampton Township could bring the nice big pictures for the new intended use that were used at the meetings. I'm asking the Court please do this. The spot zoning is in the pictures and their actions could be talked about.**

**2. Mr. Michale E. Peters Esq., Attorney for Lower Southampton Township could bring all the documents for just 8 N. Westview Avenue that property only.**

**I'm asking the Court please do this before 2012 and after documents.**

**3. Robert Patrick Hoopes, Attorney at Law**

**52 W. Swamp Rd., Ste. 11**

**Doylestown, Pennsylvania 18901-2465**

**I would have the Court ask to have**

**Mr. Robert Patrick Hoopes to:**

**Come and have another pretrial conference.**

**Mr. Michale E. Peters Esq in his letter to the Court "at are next pretrial conference"? If Mr. Michale E. Peters Esq would like to have one so would I.**

**Now you have both side asking for the same thing, and if Mr. Michale E. Peters Esq would bring the things I asked for, we all can see them.**

**The opportunity to offer proof as in HAINES v. KERNER ET AL as to relief in the use of 42 U.S.C. § 1983.**

**As in U.S. Supreme Ct., Village of Euclid v. Ambler Realty Co.(1926) and things asked for also are all public things and Mr. Peters should have them anyway. He said there (?) where townhouse going in, who is he working for?**

**Redfield v Fisher, 292 P 813, at 819 [1930] "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, -**

**misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..."**

**"Intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering-into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others. Most states recognize what is called "implied covenant of good faith and fair dealing" which is breached by acts of bad faith, for which a lawsuit may be brought (filed) for the breach (just as one might sue for breach of contract). The question of bad faith may be raised as a defense to a suit on a contract. 2) adj. when there is bad faith then a transaction is called a "bad faith" contract or "bad faith".**

**What we have, is a breach of verbal contract, and everyone in Lower Southampton Township has the right to an appeal, of any approval and I have asked for it. Discrimination, because it's clear that only some have the rights, who picks? I am asking and will I get a refund of cost?**

**Cleaver v. Board of Adjustment, Appellant.**

## **Supreme Court of Pennsylvania.**

**“As to the second objection, the township supervisors have gone beyond their function of implementing a comprehensive plan with zoning regulations: they are to analyze on a case by case basis for rezoning purposes individual applications and accompanying technical plans for structure and development to determine their suitability and compliance with the standards they themselves established in the ordinance”.**

**I called this over stepping their authority because Lower Southampton Township is not using anything already in place. Like a comprehensive plan with zoning regulations they are just going with someone’s fantasy. Not in compliance with the standards they themselves established in the ordinances.**

**Look to:**

**“Sherer v. Cullen , 481 F 946. We could go on, quoting court decision after court decision, however, the Constitution itself answers our question Can a government legally put restrictions on the rights of the**



**American people at anytime, for any reason? The answer is found in Article Six of the U.S. Constitution:**

**This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding": I have "engagements entered into" with Lower Southampton Township and Bucks County as a home owner and taxpayer that now need to be upheld and are not.**

**Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603 "Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would-abrogate them." Court's pendent jurisdiction, to a Pro-se along with everything in this action.**

**Haines v. Kerner, 404 U.S. 519 (1972)**

**"Allegations such as those asserted by petitioner, however in artfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings**



**drafted by lawyers." I know lawyers could fix this to look as it should, I can not but as you will see it has been done before for me with no case law because case law is all new to me and I'm doing my best.**

**Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233**

**"Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers". I'm very much challenged and beg for the understanding from the Court because of being challenged.**

**Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)**

**"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."**

**NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969) "Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."**

**HONORABLE JUDGE PRATTER**

**Lance S. Haver was the head C.E.P.A, I Peter w. Sauers a member of C.E.P.A. A letter from you authorizing Lance Haver to help me, with my rambling. Is that possible? Lance S. Haver is not Attorney.**

**NAACP v. Button, of America v. Gibbs, and Johnson v. Avery, 89 S. Ct. 747 (1969 C.E.P.A member) to C.E.P.A member Lance S. Haver, is not challenged and knows that I am and who is willing to help the challenged if the law allows it and a judge can allow this, doing this would be a help. Please issue a letter to Mr. Haver.**

**Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a**

**plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." Plaintiff's looking to be helped as in above to protection of my civil rights.**

**Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)**

**It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).**

**Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)**

**"Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."**

**Sherar v. Cullen, 481 F. 2d 946 (1973)**

**"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights." This case should have not been dismissed because I am**

**exercising my Constitutional Rights. Lower Southampton Township has no rights to play with anyone's Constitutional Rights.**

**B.Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991), "Court errs if court dismisses pro se litigant without instruction of how pleadings are deficient and how to repair pleadings."**

**Looking to repair pleadings but at the same time many people understand me and I feel a jury may too. Plan Jane, Tom, Dick and Harry the 12.**

**Naffe v. Frey "Section 1983 is a "vehicle by which plaintiffs can bring federal constitutional and statutory challenges to actions by state and local officials."  
Anderson v. Warner, 451 F.3d 1063, 1067 (9th Cir. 2006).  
It provides that":**

**"[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the**

**Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress”.**

**If the action of local Government and State Government acting as one in this case with any misused the laws as I stated.**

**Where’s the Date of harm set because I’m looking to this Court for redress living with stress for decades, this living in fear everyday alone now. I talked about the nightmare property which has been empty five years at a cost of over \$100,000.00. Down and out and seeing no way out. Now living in another nightmare property at the hands of local Government and State Government seeing the government take me down, again.**

**Look to Carlson v. Green 446 US 14, 100 S. Ct. 1468, 64 L. Ed. 2d 15 - Supreme Court, 1980 - Punitive damages are "a particular remedial mechanism normally available in the federal courts,"**

**Bivens, 403 US, at 397, and are especially appropriate to redress the violation by a Government official of a citizen's constitutional rights. Moreover, punitive damages are available.**



**Smith v. Wade**

**461 US 30, 103 S. Ct. 1625, 75 L. Ed. 2d 632 - Supreme Court, 1983 -**

**... We granted certiorari in this case, 456 US 924 (1982), to decide whether the District Court for the Western District of Missouri applied the correct legal standard in instructing the jury that it might award punitive damages under 42 USC § 1983.**

**To address all my concerns in this complaint and to make and fix as much that can be fixed. NO one could ever fix or give me back what was taken, now gone for eve to never to get it back. Especially since the doctrine of vested rights were misused and part of this I will now find out if I have been had. On going to date under doctrine of vested rights is it real or just made out of need by and for local Government and with State Government helping.**

**Property, City manager liable for deprivation of zoning rights). ... Therefore, the availability of a state remedy does not preclude a suit under the Civil Rights Act.<sup>59</sup> ... Punitive**

**damages may be awarded under section 1983, 42 U.S.C. § 1983, even without actual loss.<sup>64</sup> Such damages are allowed at ...**

***Grandfather clause / Doctrine of vested rights* “A clause creating an exemption (as from a law or regulation) based on circumstances previously existing”. In use to date in Bucks County and has been for over a decade. This fair play is problematic for Mr. Michale E. Peters and he needs to address this and has not.**

**My story of doctrine of vested rights: as to my rights, you need to have a direct connection to and I do with clear facts. Both ways are impossible as to be a fact.**

**True Story:**

**Peter Sauers and his family have been physically threatened and forced to move out of their home all because they insisted that Bensalem Township Officials up-hold the law and offer equal protection to everyone.**

**This nightmare began when one of the neighbors sold his home. On the property there was a small private garage (as opposed to commercial garage that was**



open to business for the public) that had been out of use for many years. The area was zoned for residential use, and the block is a small dead end street, so none of the neighbors on the block ever dreamed of what was going to happen.

Without warning, cars started to block the street. Tow trucks and flatbeds were coming at all times of the day and night. Commercial signs started to appear.

Parents became afraid to let their children play in the street. At one time there were over 40 cars blocking the street and shoulders. Finally, when Backhoes showed up and they began to build a large parking lot, Mr. Sauers had enough.

Mr. Sauers went directly to Bensalem's Town Hall. There he was shocked to discover that they were building the parking lot without a permit. He immediately called the Mayor, Joseph V. DiGirolamo. The Mayor told him he would look in to it. Mr. Sauers at that time, believed that Bensalem's government would protect his interest, he was later to learn how naive he was being.

**The parking lot was built, the garage put up a sign saying "quality used cars" and cars were being parked illegally.**

**Mr. Sauers, shocked that the township had let them build the parking lot without a permit complained about the sign as well. The Township did make the owners take down the sign, but the next day Mr. Sauers discovered that his cars had been vandalized. Some one had painted a warning in paint stripper on his wife's car, and 7 tires were spiked.**

**He called the police. They came out, but to the best of Mr. Sauers knowledge they never even questioned the people who owned the garage.**

**Mr. Sauers now realized that neither the Mayor, the police or anyone from the townships zoning office would uphold the law, so he retained Lou Floge, Jr.**

**to represent him. With the help of Mr. Floge, Mr. Sauers discovered, that the new owners did not have a legal right to operate the garage in the residentially zoned neighborhood, did not have the right to park cars illegally, did not have the right to pave over their front yard.**

**But perhaps most upsetting, Mr. Sauers believes he has**

**discovered actual forgeries and fraudulent activities.**

**In 1998 the use and occupancy permit had been altered and changed without going through the proper legal channels. The original permit that the township says was issued is clearly a fraudulent document. As Mr. Sauers brought these issues out, the owners of the garage tried to bribe him to keep quiet. They offered him \$15,000 Dollars. When he refused and said he just wanted the township to uphold the law equally, someone started to vandalize his home. Large ball bearings were shot through his bay window and the siding of his house. People were threatening to hurt Mr. Sauers and his family, destroying his property and the police were taking no action.**

**Finally when he called the police and they told him they were not going to come out to investigate any more complaints, Mr Sauers moved his wife and small children out of the home. But he will not give up the fight.**

**The township of Bensalem has actually tried to stop Mr. Sauers from examining public documents, and speaking to public officials.**

**They have refused to conduct a thorough investigation and continue to refuse to answer Mr. Sauers' questions.**

**CEPA joins Mr. Sauers in demanding that Bensalem township equally enforce their zoning regulations, close down the garage, ticket the illegally parked cars and put an end to Nightmare on Elm Ave.**

**This ended with the use of: doctrine of vested rights.**

**Lance S. Haver**

**Director of Civic Engagement**

**Room 329 City Hall**

**HONORABLE JUDGE DIANE E. GIBBONS could not Grant 12(b)(6) Motions to Dismiss, for Mr. Michale E. Peters because it would be a conflict of interest for her.**

**Granted 12(b)(6) Motions to Dismiss:**

**Filed April 18, 2016 Defendant's, Lower Southampton Township, Motion to Dismiss With Prejudice that was granted by HONORABLE JUDGE WALLACE BATEMAN.**

***“abra cadabra!”* For Mr. Michale E. Peters and Lower Southampton Township.**

**Was? Mr. Michale E. Peters Judge Shopping and how would I know. Why was this done with Prejudice or at all (?) can anyone, tell me? The Judge line up seems funny to me because of passed history.**

**I now tell everyone just move, get out; this has taken a big piece of my life and a lot of money as to take this on.**

**I have not faired well with housing and should have making all this very depressing hoping this at some point will not kill me too. I still have hope for a better life.**

**As Children, we always say we did do it, as are first defense. Mr. Michale E. Peters he would find an Attorney to show me everything's good and where I went wrong.**

**Mr. Michale E. Peters first defense was its not happening. In fact there was no sham rezoning and its all the same, no rezoning, its all the same that's not going to play out.**



**Well I told Mr. Michale E. Peters I was willing to pay a fee to take this to an Attorney client relationship, I would need that. He said I would be contacted. I feel like I hit pay dirt, this is so wrong; I came up empty-handed as you know.**

**I could see this coming too. I called it the "The Emperor's New Clothes" by Hans Christian Andersen.**

**Asking for Injunctions should be no big deal if there was no sham rezoning, proceeding, back door deals, or god knows what they mixed up in the documents and had arms length transactions. A similar action and in part of the same by Lower Southampton Township, was (Village Style Commercial/Retail, A.K.A. Stone Gate Village, is a business entity on paper.) I was told Pen-dot granted an opening, so I contacted Pen-dot, they did not know anything about this.**

**We called Senator Robert M. Tomlinson.**

**Senator Robert M. Tomlinson at the time of the mall deal, had two men meet with us, telling me and the others at the meeting, that the mall was not going to happen, because there no egress or de-egress. The**



same property: in this action, but at the start looking for that rezoning.

That's the first time someone said there's plan to remove residential properties? Well now, I know lies have a life. This had to be their plan, there is no other way.

The lies are now coming out, is what I see. I am saying breach of the duties with the use of lies and concealing what was happening as to make it pass or happen their way for a special interest.

This case should NOT be dismissed. Look to Redfield v Fisher, 292 P 813, at 819 [1930] "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual' , not his official capacity..."

Yes, I said we have Liar's because the mall was approved too. Here Mr. Michale E. Peters had a similar but not the same action. But these same actions by

**Lower Southampton Township needed new players because the old ones pulled out.**

**Robert Patrick Hoopes, Attorney at Law wished to talk about this and was stopped why? "Time will tell" if this Court looks at everything this will fall apart just like all corruption in time does. Which is what happened to the mall, as well as anew plan will.**

**Lies? I think so and here's why.**

**On 8-12-2015, approvals were made. I (Peter Sauers)**

**Filed 8-17-2015 at 10:18 AM: to the Court of Common Pleas was filed within five days. Mr. Michale E. Peters was the Attorney from sometime right after 8-17-2015. The same as in this action, different parcels were used and the use of two different documents at the same time is a fraudulent activity as I see it. Not similar as they / Mr. Michale E. Peters Esq, would like you think. I call this an error, misunderstandings, just away to mislead.**

**Two different parcels and one set of documents being used for both, that way Lower Southampton Township**

**can make a needed Ingress & Egress. To do so, would be taking away my Constitutional Rights. Ingress & Egress need to be in place and cannot be made within the statute, ordinance, regulation, custom, or usage without taking my Constitutional Rights away, in this case.**

**There is NO public health, safety, morality, welfare, and need to be. On paper, the impossible becomes possible if there is enough money “everything is for sale at the right price”. Anyone that tells you differently is lying at this point.**

### **What Is Ingress & Egress In Real Estate?**

**“The value of a piece of property depends upon many factors including location, size, permitted use and the ability to get to and from it. Real estate professionals use the terms ingress and egress when referring to the ability to enter and exit a piece of property. Determining if a piece of land can be accessed without trespassing on someone else’s property might not be readily apparent”. And or Constitutional Rights as in this case Lower Southampton Township’s job is not to make things work for special interest. These are not small lies if you need to live with them!**

Governments' use of doctrine of vested rights filled with lies, at the same time makes a loophole that stands to date. I was robbed with a pen before by corrupt actions of Government and one really good "Philadelphia lawyer" may he rest in peace; his works are still in full use to date. No ill will, but that is just me. When you are good, you are good it is like taking candy from a baby and with DIANE E. GIBBONS D.A to back it up I was done at that point.

"The term "Philadelphia lawyer" means a lawyer who knows the most detailed and minute points of the law; an exceptionally competent lawyer; a shrewd lawyer who is expert in the exploitation of legal technicalities; an especially learned advocate; as in *It would take a Philadelphia lawyer to get him off*". Doctrine of vested saved Bensalem Township and should save me now having the same rights in use.

I could not find anyway around it nor did anyone.

It's been said "you can't fight city hall" at what point do they now work on your side, because you can't have it both ways, leaving you with a corrupt action.

**Now filled with constitutional issues: there are no lies on my part. What, was taken was and is a big part of my life, but I still stand tall and will see this to end.**

**The buck stops here. "The buck stops here" is a phrase that was popularized by U.S. President Harry S. Truman, who kept a sign with that phrase on his desk in the Oval Office. You cannot have it both ways, without being wrong with one so what is it.**

**Lies as in the spot zoning at the meetings and granting my way in and use of State Court just all lies and all on record. Lies have a life I always tell everyone whatever you do not lie, because one lies turns in to two then three and so on. The pork chop, a one-way street first 200ft, and no sale for any CC zoned use all just lies.**

**The state has failed to provide a remedy".**

**Giving this case Federal jurisdiction: as declared constitutional by the U.S. Supreme Court in other cases". All ready in the documents sent. "**

**This Court has subject matter jurisdiction over this matter because- Defendant's actions implicate Equal Protection and- Procedural and- Substantive Due**



**Process under the law, and Plaintiff, in an Amended Complaint, will / has properly alleged constitutional issues that bring this matter squarely within the federal realm at this time. FRCP 54 (c): Demand for Judgment; Relief to Be Granted.**

**“A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings. Every other final judgment should grant the relief to which each party is entitled, even if the party has not demanded that relief in its pleadings”.**

**What can you tell to the Courts and each other as to what is said? Declaration under Penalty of Perjury I would ask this court to put us both under oath. -**

**That I can save time and money for everyone and Mr. Michale E. Peters Esq could take care of some of my concerns if that is possible and he is willing and was before. Just as to the land use actions: because to my understanding that is his forte. The driveway is one of many concerns. Mr. Michale E. Peters Esq to my understanding he said he can do this but I would not believe him, so let him tell us all, that way we can see if we all believe. If Mr. Michale E. Peters Esq being paid**



with or though tax- payer money (?) because I'm a taxpayer. The fact Mr. Michale E. Peters Esq is an attorney and was told he would do for me, I thanked him. I Thank You Mr. Peters and hope you get your wish having a next pretrial conference. The pictures will help too.

**Suggested:**

**This case should NOT be dismissed because my**

**Complaint involves infringements of the United States Constitution and things found to be Unconstitutional.**

**Village of Euclid v. Ambler Realty Co.**

**272 US 365, 47 S. Ct. 114, 71 L. Ed. 303 - Supreme Court, 1926 -**

**... Appellee's tract of land comes under U-2, U-3 and U-6. The first strip of 620 ... is entrusted to the inspector of buildings, under rules and regulations of the board of zoning appeals. ... are to be regarded as independent and the holding of any provision to be unconstitutional,**

**Schwartz v. PHILADELPHIA ZONING BD.**

**126 A. 3d 1032 - Pa: Commonwealth Court, 2015 -**

**... unrelated college students, the owner and three tenants brought suit under 42 USC § 1983 seeking an ... 229, 468 A.2d 1195, 1197 (1983) (ordinance preventing seven adults unrelated by ... that an ordinance limiting use of single-family residences by students was unconstitutional. ...**

**Therefore**

**Unconstitutional spot zoning case law**

**Well that is not just entirely nonsensical rambling. I am just trying to help everyone understand, when at some point I will bring everything together.**

**Forethought is not to level out anything at this point to cut away at any argument. Lies have a life, you as in someone or anyone and no one in the use of the word lies and or lie.**

**I would like include all my documents in part at this time too. Discovery is asked for from this Court.**

**I stated jurisdiction before and rezoning. Mr. Michale E. Peters Esq, stated something about a similar case here it is and more than similar this is a part of this case.**

**Defendants the Galman Group and Nico Landscaping Inc dropped out. At that point, I relied on LOWER SOUTHAMPTON TOWNSHIP to do the right thing and not move on because it was wrong. They could not do this for themselves and did. I was very naïve and believed that someone somehow would make it so I could live in peace and in fact, it went the other way.**

**LOWER SOUTHAMPTON TOWNSHIP got the rezoning for themselves and Carol Driol Zoning officer said there's more money, in a rezoning but for whom?**

**I believed that someone would stop this because of the engagements that were entered into as a taxpayer, with local government and State government, someone would save our neighborhood as we pay to do and not just help themselves and for there friends. (Relied as to a claim)**

**Look to 29, and you will find no Case law. Others need to clean up my work, but for a full understanding, there**

are no ghostwrites it's my work made so the Courts can understand it.

**HONORABLE JUDGE PRATTER**

You are the first to ask me for case law and I am doing my best. There a lot of case law for Spot zoning showing it to be unconstitutional with things being concealed, from me I will do my best to make the best fit as to my case.

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

---

**PETER SAUERS**

**vs.**

**LOWER SOUTHAMPTON TOWNSHIP,  
THE GALMAN GROUP,  
NICO LANDSCAPING, INC.,**

:  
:  
:  
:  
: **CIVIL ACTION**  
: **NO. 2:09-cv-05364-BMS**  
:  
:  
:

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**AMENDED COMPLAINT**

**Plaintiff, Peter Sauers, hereby files an Amended Complaint pursuant to the Court's Order filed January 19, 2010 denying Defendant's, Lower Southampton Township, Motion to Dismiss.**

**PARTIES**

**Plaintiff, Peter Sauers, is sui juris and a resident of Lower Southampton Township in the State of Pennsylvania. Defendant Lower Southampton Township is a municipal entity organized under the laws of the State of Pennsylvania. Defendant, The Galman Group, is a business entity believed to be organized and operating under the laws of the State of Pennsylvania.**

**Defendant Nico Landscaping, Inc. is a business entity believed to be organized and operating under the laws of the State of Pennsylvania. (Village Style Commercial/Retail, A.K.A. Stone Gate Village, is a business entity on paper.)**

**Defendants, Michael Connelly, Connie Birrane, Mark Hopins, John Mc.Menamin, Keith Wesley Ted Taylor, Carol Drioil, Jim Jones, John Brinkman Jerald Slipakoff Matt and Vincent Nicastor.**

**JURISDICTION**

**The allegations of this Amended Complaint involve infringements of the United States Constitution, the Pennsylvania Constitution, and the laws of the State of Pennsylvania. Jurisdiction is proper in this Court because Plaintiff's rights under the U.S. Constitution are at issue, and because any state law claims fall under this Court's pendent jurisdiction.**

**PRELIMINARY STATEMENT**

**"Activism is my rent for living on this planet." Alice Walker, Pulitzer Prize-winning author.**

**In November of 2008 Plaintiff received notification that Lower Southampton Township would consider rezoning a residentially zoned property adjacent to Plaintiff's property/home/family, to commercial zoning. Plaintiff and nearly the entire neighborhood adjacent to this property numbering nearly a hundred citizens of Lower Southampton Township were against rezoning this residential property to commercial**



**status. Ours is an old traditional suburban residential neighborhood which would be severely and negatively impacted by the imposition of a commercial development in our back yards.**

**At the time of the rezoning hearing on this matter the Township building had interested residents flowing over into the hallways and exits, all vying for an opportunity to express their opposition to the subject rezoning. Facing such animated and vocal opposition, the Lower Southampton Supervisors voted to deny the Planning Department's recommendation to approve the rezoning. And there we stood, concerned citizens once united in our dissent now united in victory. This Court in its recent Order stating that the Plaintiff appeared to have "emerged from the zoning process victorious" captured the gravamen of this action - the residents had indeed emerged victorious, only to have that victory stolen through chicanery and illegal means. Plaintiff humbly comes before this Court to address this fraud and the mechanisms of its perpetration.**

**Contrary to Pennsylvania law which imposes a specific appeal/reconsideration period and requires that opponents have an opportunity to be heard, Defendant, Lower Southampton Township, revisited the matter untimely and purportedly rezoned the subject**

property. Since that time public records of these matters have disappeared from the public library, records that do exist have been doctored so as to not reveal anything about the subject property, requests for copies of transcripts of hearings, minutes of meetings, and other information vital to the residents' rights to object have been denied.

A virtual lockdown of any records or information related to this transaction has prevented the exercise of any meaningful objection or dissent.

Plaintiff acknowledges a zealous activism and leadership role in opposing this rezoning. However, this passion has had serious negative consequence. During the initial hearing/meeting on this matter Lower Southampton Township Supervisor Mike Connelly said to the Plaintiff "you need to get out of this township, like you did Bensalem which occurred in front all gathered there on December 10, 2008.

Also since that hearing, Plaintiff has received harassing notices concerning bogus violations of Township codes, ordinances, and/or regulations. Plaintiff's activism and involvement has been rewarded with public accusations, malicious aspersions, harassment, and violation of Plaintiff's right to the quiet enjoyment of his home and family.

**Carol Driol told me, Peter Sauers at the zoning office "we don't want your kind here" in this Township. Lower Southampton Township Supervisor Mike Connelly said to the Plaintiff Peter Sauers you need to stop the frivolous lawsuits on or about December 10, 2008.**

**FACTUAL ALLEGATIONS**

- 1. On or about November, 2008 Plaintiff received a notice indicating that the Defendant, Lower Southampton Township, intended to consider a rezoning the subject property.**
- 2. On or about December 10 2008 a meeting/hearing was held at the Lower Southampton Township Municipal Building. At that meeting the Lower Southampton Supervisors voted to reject the Lower Southampton Planning Board's recommendation to rezone the subject property.**
- 3. In 2009 Defendant Lower Southampton Township sent a notice of its intent to reconsider rezoning the subject property. See NOTICE, EXHIBIT 3**
- 4. On April 7 2009 a meeting/hearing was held at the Lower Southampton Township Municipal Building. At that meeting the Lower Southampton Supervisors voted to rezone the subject property.**

**5. At the meeting of December 10 2008, referenced above, Lower Southampton Township Supervisor Mike Connelly stated to Plaintiff:**

**"Get out of this township, like you did in Bensalem.**

**6. 2009 Plaintiff received by mail a Notice of Violation regarding his vehicle, which violation falsely claimed that Plaintiff's truck was not properly registered, whereupon Plaintiff drove his properly registered vehicle to the Lower Southampton Township Municipal Building to address such bogus violation. Carol Driol took my Notice and sent someone out to inspect my truck. Unwilling now to, Give me copies of this Notice, or the Pictures taken of my truck taken at my house.**

### **COUNTS**

#### **COUNT I. Due Process**

**8. Pennsylvania Municipalities Planning Code Act of 1968, P.L.805, No.247, as reenacted and amended, requires that any reconsideration/appeal of a rezoning matter must occur within a specified time period. 42 Pa.C.S. 5572**

**"Section 1002-A. Jurisdiction and Venue on Appeal; Time for Appeal.**

**All appeals from all land use decisions rendered pursuant to Article IX**

shall be taken to the court of common pleas of the judicial district wherein the land is located and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S. 5572 (relating to time of entry of order) or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 908(9) of this act.”

9. Defendants, as alleged in the Facts section above, considered an appeal or reconsidered its rezoning decision of the subject property outside of the statute of limitations imposed by section 908, subsection 1.2 et seq., Pennsylvania Municipalities Planning Code [PMPC].

10. Defendants' actions, performed outside of the parameters of the PMPC deprived Plaintiff of his right to due process under the Pennsylvania Constitution and United States Constitution,

11. Plaintiff has suffered or will suffer a severe diminution in value and quiet enjoyment of his home should the subject rezoning result in the proposed subject development.

12. Plaintiff was deprived of his right to notification and his right to object, which rights are protected by Pennsylvania Statute, the Pennsylvania Constitution and the United States Constitution.



13. Plaintiff alleges that fraud, sufficient to shock the conscience of the Court, occurred in the procurement of the subject rezoning decision.

14. Plaintiff has been intentionally frustrated in his attempts to divine more specific and detailed allegations of this fraud through Defendant's, Lower Southampton Township, deceptive and illegal withholding of public records, alteration of available records, and failure to comply with Pennsylvania's open records laws. 65 Pa. C.S. section 701 et seq., 65 Pa. C.S. 66.1 et seq.

15. "flipped the presumption". This new law goes into full effect on January 1, 2009 and it states, in sharp distinction to the previous law, that all documents will be presumed to be open to the public unless the agency holding them can prove otherwise. Plaintiff is still been intentionally frustrated in his attempts.

WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests a Trial by Judge or Jury on this matter, and any other relief deemed appropriate by this Honorable Court.

**COUNT II. Violation of Pa. Right To Know Law**



15. Pursuant to *65 Pa.Stat. § 66.1 et seq.* [RTK] Defendant, Lower Southampton Township, is required to retain and dispense information and records to requesters as set forth therein.

16. Defendant, Lower Southampton Township, as alleged in the Facts section above, has refused on many occasion, and to many requesters, information mandated to be dispensed according to the Statute.

17. Defendants' actions, performed outside of the parameters of the RTK deprived Plaintiff of his right to information specifically covered under the RTK and new law.

WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests a Trial by Judge or Jury on this matter, and any other relief deemed appropriate by this Honorable Court.

### **COUNT III. False Light/Defamation**

18. On or about December 10 2008 an official representative of Defendant, Lower Southampton Township, Supervisor Mike Connelly, stated to Plaintiff "You should get out of this township like you did bensalem," in a public meeting attended by Plaintiff's friends and neighbors.

19. Plaintiff was defamed by this outburst, embarrassed, and fearful of official retribution, which retribution quickly arose in the form of a bogus Notice of Violation delivered to Plaintiff's home regarding his legally registered and placed vehicle.

WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests a Trial by Judge or Jury on this matter, and any other relief deemed appropriate by this Honorable Court.

**COUNT IV. Nuisance/Harassment**

20. Defendant, Lower Southampton Township, issued a sham Notice of Violation to Plaintiff in retaliation for Plaintiff's role in spearheading objection to the subject rezoning efforts.

21. Plaintiff has suffered and may continue to suffer under the onus of responding to bogus Notices of Violation and will suffer the ignominy and permanent ramifications of such violations being included in the municipality's recorded history of Plaintiffs' home.

**WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests a Trial by Judge or Jury on this matter, and any other relief deemed appropriate by this Honorable Court.**

**COUNT V. Violation of Pennsylvania Open Records Law**

**22. Pursuant to 65 Pa.Stat. § 66.1 et seq. Defendant, Lower Southampton Township, is required to make records available; "a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with this act." 65 Pa.Stat. § 66.1, section 701.**

**23. Defendant, Lower Southampton Township has refused records requests from Plaintiff and other township residents regarding the subject property.**

**24. Defendant, Lower Southampton Township, maintains DVD/CD copies of Township meetings at the local library. The DVD/CD for the subject meeting has been altered by Defendant, excising the portion of the meeting devoted to the subject property.**

**WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests a Trial by Judge or Jury on this matter, and any other relief deemed appropriate by this Honorable Court.**

**COUNT VI. Temporary Injunction Against Harassment**

**25. Defendant, Lower Southampton Township, should be enjoined from continuing to harass Plaintiff during the pendency of this litigation. Otherwise Defendant may continue to exert extrajudicial influence and pressure upon the Plaintiff aimed at stifling.**

**26. Plaintiff's efforts to force the Defendant's compliance with State and Federal law and to expose the fraud at the core of the subject rezoning.**

**WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests that this Honorable Court grant Plaintiff's Request For a Temporary Restraining Order by scheduling a hearing for a Temporary Injunction Against Harassment at a time convenient to this Honorable Court, and any other relief deemed appropriate by this Honorable Court.**

**COUNT VII. Temporary Injunction Against Pending Development**

**27. Defendants, The Galman Group, Nico Landscaping, Inc. and Village Style Commercial/Retail, A.K.A. Stone Gate Village should be enjoined from proceeding with the development of the subject property until such time as this Court determines the veracity and legal sufficiency of Plaintiff's allegations. Otherwise any dispensation or relief Plaintiff, and the many other effected residents, may gain in this**

Court would be moot should development of the subject property, under a sham rezoning, proceed.

WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests that this Honorable Court grant Plaintiff's Request For a Temporary Restraining Order by scheduling a hearing for a Temporary Injunction Prohibiting Development of the Subject Property at a time convenient to this Honorable Court, and any other relief deemed appropriate by this Honorable Court.

**COUNT VIII. ADA Pro Se**

28. Plaintiff included references to the A.D.A. to secure the dispensation generally afforded *pro se* plaintiffs in his position, in this case hoping the Court would recognize Plaintiff's limited facility with the written word. Gratefully, it has.

29. Plaintiff has secured professional assistance limited in scope to drafting and editorial assistance in order to make the Amended Complaint legally cognizable, and therefore disavows any requests for special consideration under either the ADA or *pro se* standards employed by Federal Courts, with respect only to this Amended Complaint.

**RELIEF**

**Plaintiff, Peter Sauers, prays this Honorable Court will enjoin Defendants from moving forward with the subject development until Defendant, Lower Southampton Township, complies with Pennsylvania state law regarding zoning procedures, complies with Pennsylvania's Right To Know laws, and ceases harassing Plaintiff for the exercise of his rights to object, and provides complete information upon which to base any objections, and to declare Plaintiff victorious in this matter sending the zoning application at the core of this Complaint back to the Lower Southampton Planning Commission, and any other relief this Honorable Court deems appropriate.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon: Lower Southampton Township, 1500 Desire Avenue, Feasterville, PA 19053; The Galman Group, 261 Old York Road,**



Jenkintown, PA 19046; and, Nico Landscaping, 9947 Global Road,  
Philadelphia, PA 19115, on or about 2, 10, 2010.

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**Peter Sauers**  
32 N. Westview Ave.  
Feasterville, PA 19053

**Mr. Michale E. Peters Esq stated in his letter to the Court at our next pretrial conference. If Mr. Michale E. Peters Esq would like to have one lets.**

**Now you have both side asking for the same thing, and if Mr. Michale E. Peters Esq and I Peter Sauers could have another one on one as I see it. Please let us do this.**

**WHEREFORE, for the foregoing reasons, the Plaintiff, Peter Sauers, respectfully requests that this Honorable Court grant Plaintiff's and Defendants attorney's request for another pretrial conference. Order by scheduling a hearing pretrial / conference for unsettle matters.**

**MATTERS BEFOUR THE COURT Falls Under:**

**42 U.S. Code § 1983 - 42 U.S. Code § 1985 42 U.S. Code § 1986 - 42 U.S. Code § 1981 - Constitutional rights**

**guaranteed by the First, Ninth, Fourteenth and Article Six of the U.S Constitutional and doctrine of vested Rights.**

**QUESTIONS PRESENTTED**

- 1. Dangers: in the actions of the Township on the new use and before and after.**
- 2. Fatal accident in fact should not have happen and would not have happened the way it did if not for our actions.**
- 3. Justifications: Needed to show harmony, public health, safety, morality and welfare of others and cannot.**
- 4. Justifications: of use in their actions by Lower Southampton Township needed to happen and did not.**
- 5. Constitutional Rights: and issues over looked or bypassed by Lower Southampton Township for Lower Southampton Township. Statute, ordinance, regulation, custom, or usage bypassed or overlooked in favor of special interest a first time use in Lower Southampton Township.**
- 6. Unconstitutional issues by Lower Southampton Township in a new use a spot zoning and zoning**

**ordinances and as to everyone's rights protected by the U.S Constitutional and U.S. Code.**

**7. Arms length transaction: by Lower Southampton Township for Lower Southampton Township.**

**8. Doctrine of vested Rights and its use, outside / passed the Statutes of limitations as my rights to the same now. Lower Southampton Township cannot have both ways in Bucks County.**

**9. Constitutional rights to pro se representation as lower State Courts failed to provide a remedy making this a federal undertaking. A verbal contract made on record 8-12-2015 to State Court was in bad faith.**

**10. Discrimination protected against by the U.S Constitutional and U.S. Code is a factor because others without issues have overcome things at a state level I have not.**

**11. Concealment by: Lower Southampton Township for Lower Southampton Township just trickery in its use of there offices. Showing: No use of the statutes, ordinance, regulation, custom, and usage within the laws.**

**12. Concealment and Concealing actions and actions by Lower Southampton Township shows fraud, corruption**

**and manifest abuse of zoning power time after time going forward in their actions.**

**13. Ingress & Egress as to make one the way Lower Southampton Township did not only use trickery its use is Unconstitutional in use and actions.**

**Ongoing and continuous as in this mixed used:**

**“an ordinance cannot create an "island" of more or less restricted use within a district zoned for a different use or uses, where there are no differentiating relevant factors between the "island" and the district. A singling out of one lot or a small area for different treatment from that accorded to similar surrounding land indistinguishable from it in character, for the economic benefit of the owner of that lot or to his economic detriment, is invalid "spot" zoning.”**

**Unconstitutional**

**“As a neighboring property owner who challenges a rezoning of adjacent and nearly property shows fraud, corruption or manifest abuse of zoning power by acting at arms length and concealment and concealing their real actions for themselves”. Look to:**

**Cross v. Hall County, 238 Ga. 709, 235 S.E.2d, 379 (1977).**

**“In the landmark case of Village of Euclid v. Amber Realty Co., 272 U.S. 365 (47 SC 114, 71 LE 303) (1926), the Supreme Court upheld the validity of a municipal zoning ordinance attacked by a landowner on 14th Amendment due process and equal protection grounds. The landowner argued that the zoning ordinance deprived him of the use of his property to confiscate and destroy its value. The court examined the reasons for zoning and found the ordinance to be a valid exercise of the police power, saying (272 U. S. at 395): “. . . the reasons are sufficiently cogent to preclude us from saying, as it must be said before the ordinance can be declared unconstitutional, that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare.”**

**“The question for a citizen confronting the zoning power is how to put together an evidentiary case to take advantage of recent rulings giving him a day in court.**

## **Doctrine of vested Rights**

**As an initial matter, I conclude that the "principal land" and "neighboring land" (for want of better terms) are protected by the same standard. In fact, I conclude that the undoubted dearth of authority on this point, in cases and treatises alike, stems from the fact that the sameness of the standard for the principal and the neighboring landowners is assumed without discussion".**

**On or about December 10 2008 an official representative of, Lower Southampton Township, Supervisor, stated to Plaintiff "You should get out of this township like you did Bensalem," in a public meeting attended by Plaintiff's friends and neighbors. Defendants to date were there at this time too.**

**I was physically threatened at that time to stop talking by a very big unknown man. I turned and told him to get his hand off me. Where can anyone tell some were to live or what to do? The fear is a live to date and I can not find anyone to act and God knows I tried.**



**This case should NOT be dismissed.**

**Suggested Answer: no way**

## **ARGUMENTS**

**1. I relied (a claim) as to put my money in to a place to live in peace in Bucks County / Lower Southampton engagements entered in with a comprehensive plan, zoning ordinances, doctrine of vested rights and other laws, statute, ordinance, regulation, custom, or usage.**

**I Will Argue:**

**My constitutional rights as to Equal Protection and- Procedural and- Substantive Due Process under the law were not upheld in this action.**

**I Will Argue:**

**Unconstitutional Spot Zoning and the fact of hiding this with (Village Style Commercial/Retail, A.K.A. Stone Gate Village, is a business entity on paper.) There no other way as to a, "Ingress & Egress" with other factors -**

**This action ongoing and continuous to date with Lower Southampton Township plans in the new use and their actions with the same residential properties.**

**I Will Argue:**

**Unconstitutional Spot zoning with this because never stopped from then till now part of the same action of Lower Southampton authorities making this in part the same action from the start until date with five.**

**I Will Argue:**

**Unconstitutional Spot zoning started with  
PETER SAUERS vs.  
LOWER SOUTHAMPTON TOWNSHIP,  
THE GALMAN GROUP,  
NICO LANDSCAPING, INC.,  
CIVIL ACTION NO. 2:09-cv-05364-BMS**

**Now the cat is out of the bag "to refer to divulging a secret" Because there's no other way there's one in the same that there was this action started the Ingress & Egress and was need removal of R2 house/s when I was**

**told this was going to happen now I see it in this action.  
Now it is coming together as what I see is happening.**

**I Will Argue:**

**Doctrine of vested Rights**

**I could not find anyway around doctrine of vested rights  
nor did anyone else, now I see it as a good thing.**

**As to the comprehensive plan and its use having a  
"Statutes of limitations" and are well passed for  
sometime now in 1998 until date.**

**You cannot have it both ways and that is a fact. This  
stops you from taking a house out next to other houses  
for new zoning use. That just shows Unconstitutional  
Spot zoning with the new mixed use.**

**I Will Argue:**

**On 8-12-2015 Mr. Keith Wesler pre granted that I had a  
right to State Court and there was trickery used to get  
me Dismiss With Prejudice Grant 12(b)(6) Motions to  
Dismiss. Mr. Keith Wesler and Lower Southampton -  
board of supervisors not willing to dress all concerns at  
the meeting tell to take it State Court. I would think I had  
the rights to State Court.**

**I Will Argue:**

**I been physically threatened at township meetings and continue to suffer under in living here in Lower Southampton Township because of there actions. It is just another Nightmare living here now. It is continuously. I felt if I was not challenged, I could have end this fast and my life would different.**

**I Will Argue:**

**No one of authority should have told me where to live or get out Lower Southampton Township. Someone should have stopped this action and no one did.**

**I Will Argue:**

**This is ongoing and continuous with Lower Southampton Township actions being corrupt in their actions for many years.**

**I Will Argue:**

**This will destroy our neighborhood as we know it and that is why the laws don't condone it as you will see.**

**I Will Argue:**

**Discrimination at Lower Southampton Board of Supervisors meetings They are not willing to dress all concerns at the meeting. Tell you to take it to State Court than having it stopped in "bad faith" contract and "bad faith" we had a verbal contract as I see it on record from meeting. It was said we do not` know if what were doing is legal and a Judge tell us.**

**I Will Argue:**

**Lower Southampton Township along with Bucks County devastated my way of life for decades.**

### **CONCLUSION**

**Request: for another pretrial conference.**

**Request: for discovery.**

**Request: Help like a letter to Lance S Haver if possible.**

### **F.R.C.P**

**Rule 26(a): Parties are required to share evidence supporting their case without being requested by the opposite party. Failure to do so can preclude that evidence from being used at trial. This does not apply to evidence that would harm their case.**

**1. Concealment by: Lower Southampton Township officials by their actions and use of their office.**

**“This does not apply to evidence that would harm their case”. Every use becomes Lower Southampton Township becomes property of and public.**

**I’m a part of Lower Southampton Township and have right to public documents and pictures as used.**

**2. Breached their duties, and with tricky to pulled off 12(b)(6) to State Court and in the possess taking constitutional rights pro se representation, for myself. First of Amendment: Abridging the freedom of speech in doing so Plaintiff's Fourteenth Amendment Due Process and Equal Protection of Law Clause were therefore violated a long with Article 6 of the U.S. Constitution in doing so.3. Plaintiff seeks a declaration that Defendants deprived him of his clearly established constitutional rights guaranteed by the First, Ninth, Fourteenth and Article 6 of the U.S.**

**Request: FRCP 54 (c): Demand for Judgment;**



**Request: To argue personal things at the time of action related to this case.**

**Amendments: To the United States Constitution and 42 U.S.C. § 1983, a permanent injunction enjoining as to live in peace. Defendants from preventing Plaintiff from exercising his lawful and constitutional rights, and a judgment awarding nominal, compensatory, and-punitive damages for the harm caused by Defendants and for Defendants' reckless, wanton, intentional, and outrageous conduct in use of there offices and actions.**

**Look to: Com. v. Starr POSITANO v. Wetzel  
Smith v. Wade**

**Com. v. Starr**

**664 A. 2d 1326, 541 Pa. 564 - Pa: Supreme Court, 1995 -  
... ruling of the first trial court, a court of coordinate jurisdiction, regarding appellant's ... constitutional right to self-representation, that defendant's constitutional right to pro se representation is ...  
Randall B. Bateman, Comment, Federal and State Perspectives on a Criminal Defendant's ...**

**POSITANO v. Wetzel**

**“Pa: Commonwealth Court, 2016**

**... Super. 2014) (citing Pa. RCP No. 233.1, relating to motions to dismiss frivolous litigation by pro se plaintiffs). ... 7. Should the Court be allowed to violate [sic] the Plaintiff's Fourteenth Amendment Due Process and Equal Protection of Law”**

**Smith v. Wade 461 US 30, 103 S. Ct. 1625, 75 L. Ed. 2d 632 - Supreme Court, 1983 - We granted certiorari in this case, 456 US 924 (1982), to decide whether the District Court for the Western District of Missouri applied the correct legal standard in instructing the jury that it might award punitive damages under 42 USC § 1983.**

**Property, City manager liable for deprivation of zoning rights). ... Therefore, the availability of a state remedy does not preclude a suit under the Civil Rights Act.<sup>59</sup> ... Punitive damages may be awarded under section 1983, 63 even without actual loss.<sup>64</sup> Such damages are allowed at ...**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon:**

**Mr. Michale E. Peters Esq., Doylestown, Pennsylvania.**

A handwritten signature in cursive script, appearing to read "Peter Sauers", written over a horizontal line.

**Peter Sauers**

**32 N. Westview Ave.**

**Feasterville, PA 19053**

**Verification**

**PLAINTIFF PETER SAUERS Pro-se the PLAINTIFF verifies that he is one for himself in this action, and that the statements made in the forgoing Response to the Motion to Dismiss are true and correct to the best of my knowledge, information and belief. He understands that false statements made herein are subject to the penalties of law "18 pa. C.S. Section 4904", relating to unsworn, falsification to authorities.**

A handwritten signature in cursive script, appearing to read "Peter Sauers", written over a horizontal line.

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**PETER SAUERS Pro-se**

**vs CIVIL ACTION 16 2325**

**LOWER SOUTHAMPTON TOWNSHIP**

**Respond to Motion to Dismiss**

**FRIST BRIEF IN SUPPORT OF MOTION  
ORDER**

**Plaintiff now prays to move forward with his case.**

**By scheduling another pretrial conference at a time  
convenient to this Honorable Court, and any other relief  
deemed appropriate by this Honorable Court.**

**F.R.C.P 54 (c): Demand for Judgment**

**HONORABLE JUDGE PRATTER**

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**Motion to move forward Date:**